

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.580 OF 2007

Sampat Narayan Mankar. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.J.B.Kocheta, Adv. i/b. Rupali Deo Sathe &
Subhash Hulyalkar, Advs., for the Applicant.
Mr.V.B.Konde-Deshmukh, APP, for the State.
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CORAM : SMT.V.K.TAHILRAMANI, J.

DATED : 30th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.111 of 2006 of Haveli Police Station, Pune. The said case is under Section 302 of IPC.

3. Witness Prakash Chabukswar has stated that on 14.5.2006 at 5:00 p.m., complainant Ramesh and the deceased Yadnesh Todankar came to the lodge. Ramesh was the owner of the lodge and Yadnesh was the Manager of the said lodge. Shortly thereafter

two persons came there. As Ramesh asked Prakash to get a water of bottle, he went to get a water of bottle. Within few minutes he heard sound of Ramesh shouting. The Manager Yadnesh also rushed to the said room. This witness also rushed to the said room. At that time, he saw Yadnesh as well as Ramesh lying in an injured condition in the said room in a pool of blood. The two assailants had koyata in their hands. One of them threw the koyata in the passage and the other one threw the koyata in the room. Both of them threatened witness-Prakash that he should not follow them otherwise they will finish him also; and thereafter they ran away. Witness - Prakash has identified the applicant in the T.I.P.

4. The learned Advocate for the applicant submitted that as far as identification by witness - Prakash in the T.I.P. is concerned, Prakash has not identified the applicant as having assaulted either the complainant or the deceased, but, he has identified the applicant as the person who had come to the lodge. Thus, the learned Advocate for the applicant submitted that this indicates that this witness did not identify the applicant as the

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assailant, but, as someone who used to regularly visit the lodge. However, on perusal of the statement of this witness which was recorded immediately after the incident and his statement made in the T.I.P.. From these statements, it is clearly apparent that the witness - Prakash has identified the applicant to be the assailant. The material on record clearly implicates the applicant. Hence, I do not think that this is a fit case to grant bail.

5. Application is rejected.

(SMT.V.K.TAHILRAMANI, J.)